

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated May 25, 2004 has been received and considered by the Applicants. Claims 1-9 are pending in the present application for invention. Claims 1-7 are rejected by the May 25, 2004 Office Action. Claims 8 and 9 are objected to by the May 25, 2004 Office Action as being dependent upon a base claim that is rejected, but otherwise are stated as being allowable. The foregoing amendment to the claim adds new Claims 10-23.

The drawings are objected to because they do not contain certain reference signs. Redlined drawings are submitted with this response to correct the reference signs mentioned by the Examiner in the Office Action.

The specification on page 11, line 29 has been objected to because of informalities. The foregoing amendment to the specification has corrected these oversights.

The Office Action rejects Claims 1-3 and 5-7 under the provisions of 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,411,574 issued to Su et al. (hereinafter referred to as Su et al.).

Regarding Claim 1, the Examiner states that Su et al. disclose a record carrier of the disc-like optically inscribable type as defined by rejected Claim 1. The Applicants respectfully disagree. Claim 1 defines subject matter preceding the program calibration area for an extended area (XAA) containing special codes representing additional control information for controlling a recording by a recording device. The Examiner's position is that the area between T1 and T3 in Fig. 8 of Su et al. is equivalent to the subject matter for an extended area (XAA) containing special codes representing additional control information for controlling a recording by a recording device claimed by rejected Claim 1. Specifically, the Examiner states that the elements special information and additional information within Fig. 14 of Su et al. disclose the subject matter or representing additional control information for controlling a recording by a recording device defined

by rejected Claim 1. The Applicants, respectfully, point out that the description within Su et al. related to Fig. 14 beginning on col. 14, line 63 and preceding through col. 5, line 2 states that Fig. 14 shows a data structure for the HCC area; which data structure is cyclical data including special information and additional information 1, 2 and 3. There is no disclosure, or suggestion, within Su et al. that the special information or the additional information illustrated within Fig. 14 of Su et al. are capable of controlling a recording by a recording device as defined by rejected Claim 1. The Applicants further point out that Su et al. describes the special information and the additional information as being used retain information for extended play and identifies the length of that extended play (see col. 3, line 63 through col. 4, line 62). There is no disclosure, or suggestion, within Su et al. for the data structures of the HCC to contain control data for controlling a recording by a recording device. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 2, the Examiner states that Su et al. disclose that the extended area comprises an extended information area comprising the additional control information and a buffer area located between the extended information area and the program calibration area containing only address codes. The Examiner's position is that the HCC area defines an extended area. The Examiner's position is also that the area between T2 and T3 define a buffer area containing only address codes. The Applicants, respectfully, point out that Su et al. clearly states in the discussion related to Fig. 8 that t2 should begin earlier than t3 such that there is a physical separation between the HCC area and the PCA area. There is no disclosure, or suggestion, within Su et al. that the area between T2 and T3 contains only address codes as recited by rejected Clam 2 to the present invention. Therefore, this rejection is respectfully, traversed.

Regarding Claim 3, the Examiner states that Su et al. disclose that the address codes within the buffer area are represented by an absolute playback time and cites col. 1, lines 22-34 of Su et al as support for this assertion. The Applicants, respectfully, point out that col. 1, lines 22-34 of Su et al. describes a prior art device that does not contain the area between T2 and T3 that the Examiner is attempting to apply against the recited element of the buffer. The Examiner then attempts to apply the discussion of the prior art device in col. 1, lines 22-34 of Su et al. that is referring to Fig. 1 in combination with the start of the lead in area discussed in Fig. 8. The Applicants respectfully point out that

in the rejection to Claim 2 discussed above, the Examiner was applying the area between T2 and T3 shown in Fig. 8. The point that the Applicants are making here is that Fig. 1 of Su et al. illustrates a CD-RW type of disc that does not have an extended area preceding PCA area. Therefore, the Examiner is using the area of the disc shown in Fig. 1 that includes the PCA, the PMA and the lead-in-area, applying it against the extended area recited by the rejected claims that precedes the PCA area.

The Office Action then contends that the area T1-T4 represent address codes relative to T5 in Fig. 8 of Su et al. The Applicants, respectfully point out that the area that the Examiner is using to read on the recitation of the extended area as defined by the rejected claims is the area between T2 and T3. However, because Su et al. do not disclose, or suggest, the use of address codes in the area between T2 and T3, the Examiner has picked up an area (e.g. areas T1-T4) that potentially contain an address code and attempts to use the expanded area it as if it were the area between T2 and T3. The Applicants, respectfully, assert that is clearly evidence that Su et al. do not disclose, or suggest the claimed invention.

The Examiner further contends that the area between T2 and T3 covers a range of playback time of about 27 seconds and asserts that time cover the recites time of 1 to 2 seconds within rejected Claim 3. The Applicants, respectfully, assert that 27 seconds does not fall within the range of 1 to 2 seconds. Due to all the foregoing reasons, either each reason individually, or any combination of the individual reasons stated above, this rejection is respectfully traversed.

Regarding Claim 5, the Examiner states that Su et al. discloses that the sequence of address codes and special codes comprise a periodic pattern of address codes and special codes characterized in that, the pattern in the lead-in area has a predetermined positional relationship with respect to a predetermined reference address. The Examiner cites as evidence for this assertion Fig. 8, Fig. 14 and col. 3, lines 44-45 of Su et al. The Applicants, respectfully, submit that neither of Fig. 8, Fig. 14 nor col. 3, lines 44-45 of Su et al. disclose, or suggest the sequence of address codes and special codes as defined by rejected Claim 5. The Examiner has not shown where within Su et al. there is any disclosure or suggestion that the HCC frame contents shown in Fig. 14 are codes of any sort. Su et al. states that additional information is contained within the HCC area, but

does not define what this addition information is. Nor, is there any suggestion within Su et al. that would motivate a person skilled in the art to place any specific information within the HCC area. Moreover, there is no disclosure or suggestion within Su et al. for a predetermined positional relationship between the periodic pattern of address codes and special codes in the lead-in area to a predetermined reference address. Therefore, this rejection is, respectfully, traversed.

Regarding the rejection of Claim 6, the Examiner states that Su et al. disclose at col. 3, lines 44-45 that the predetermined reference address is the start address or end address of the lead-in area. The Applicants would like to, respectfully, point out that rejected Claim 6 defines subject matter for comprise a periodic pattern of address codes and special codes, wherein, the pattern in the lead-in area has a predetermined positional relationship with respect to a predetermined reference address, wherein the predetermined reference address is the start address or end address of the lead-in area. The rejection contained within the Office Action fails to show where there exist any disclosure of a periodic pattern of address codes and special codes that define a periodic pattern. Moreover, the Office Action fails to show where any such pattern exist in the lead-in area and has a predetermined positional relationship with respect the start address or end address of the lead-in area.

The Examiner making the rejection with regard to Claim 7, states that Su et al. disclose that the periodic pattern comprising special codes separated by a first number of successive address codes in Fig. 14, characterized in that, the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address. The Applicants respectfully disagree. The Applicants would like to, respectfully, point out that there is no disclosure, or suggestion for the special or additional information in Fig. 14 of Su et al. to be codes or any sort.

The Office Action rejects Claim 4 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Su et al.). The Examiner states that Su et al. disclose the record carrier according to Claim 2 and further discloses that the address codes are represented by an absolute playback time relative to the start of the lead-in area. The Applicants, respectfully, point out that col. 1, lines 22-34 of Su et al. describes a prior art device that does not contain any extended area such as the area between T2 and T3 illustrated in Fig.

8. The Examiner is attempting to apply the discussion within col. 1, lines 22-34 of Su et al. against the extended area recited by rejected Claim 4 to the present invention including the recited buffer. The Examiner is attempting to read the discussion of the prior art device in col. 1, lines 22-34 of Su et al. that is referring to the PCA, the PMA and the lead-in-area, as if it were the extended area recited by the rejected claims, including the buffer, however, the Applicants point out that the Examiner is ignoring the fact that col. 1, lines 22-34 of Su et al. refers to an area(s) that do not precede the PCA. The Applicants assert that this is not a proper reading of Su et al. and the Examiner is attempting to read various portions of Su et al. out of context. The Examiner is in fact attempting to read the PCA, the PMA and the lead-in-area, in col. 1, lines 22-34 of Su et al. as if they actually preceded the PCA area; which is a completely false assertion.

The Examiner states that the record carrier of rejected Claim 4 differs from the record carrier of Su et al. only in the amount of absolute playback time that the extended information area precedes the start of the lead-in area. As stated above, there are numerous differences between record carrier as defined by rejected Claim 4 from the record carrier of Su et al. (see response to Claim 2 above). As previously discussed the HCC area of Su et al. does not disclose the extended area as defined by the rejected claims. Moreover, there is no buffer as defined by rejected Claim 4, as previously discussed. Simply put, the extended information area as defined relative to the start of the lead-in-area is not disclosed or suggested by Su et al. The Examiner further states that absent a showing of new or unobvious results it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the extended information area of Su et al. precede the start of the lead-in area of Su et al. by approximately one minute. The Applicants would like to, respectfully, draw the Examiner's attention to the specification of the present invention on page 2 wherein the limitations defined by rejected Claim 4 limits the displacement of the reading means such that it falls within a mechanically allowed range. The Examiner has failed to show where within the cited reference Su et al. there exist any suggestion for the extended area to precede the led-in-area by 1 minute. Accordingly, this rejection is respectfully traversed.

The Office Action objects to Claims 8 and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. The Applicants assert that Claims 8 and 9 depend from claims that are clearly allowable for the aforementioned reasons.

New Claim 10-23 define subject matter similar in scope to that of pending Claim 1-9; which as previously discussed are believed to be allowable. Additionally, new Claims 10-12 and 21-23 define subject matter for bits of the special codes being distinguishable from bits in address codes as discussed within the specification to the present invention on pages 7, line 9 through 12, line 20; which is subject matter that is not disclosed or suggested by the cited prior art. Accordingly, new Claims 10-23 are believed to be allowable

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

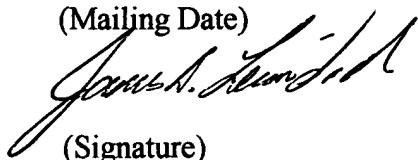
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: September 25, 2004

(Mailing Date)



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